

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA

FILED

for Roanoke
APR - 2 2008

JOHN F. CORCORAN, CLERK

BY: *W. Hupp*
DEPUTY CLERK

United States of America)

v.)

Carroll Eugene Dodson)

) Case No: 7:94CR40106-001

) USM No: 04906-084

Date of Previous Judgment: June 15, 2000)

(Use Date of Last Amended Judgment if Applicable))

) Defendant's Attorney

AMENDED Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 524 months is reduced to 456 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 42

Amended Offense Level: 40

Criminal History Category: I

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Previous Guideline Range: 360 to Life months

Amended Guideline Range: 292 to 365 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

The original sentence of 524 months was 164 months greater than the previous guideline minimum. The new term of 456 months is 164 months greater than the amended guideline minimum. I recognize that this is greater than the amended guideline maximum. The sentence reduction is entirely at my discretion. A 68 month reduction is appropriate, and the amended sentence is warranted for the offenses committed here.

III. ADDITIONAL COMMENTS

Defendant's objection of 3-31-08 and Plaintiff's objection of 4/1/08 are overruled. As to Defendant's objection, the reduction of the previous sentence is not a resentencing and Defendant is not entitled to appointed counsel, nor does the court reexamine the original sentence in light of intervening court decisions.

This reduction applies only to Count 2. The sentences for Counts 6 and 61 remains at 240 months to run concurrently with 456 months as to Count 2.

Except as provided above, all provisions of the judgment dated 6/15/2000 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4-1-08

Jackson Kiser
Judge's signature

Effective Date: 3/3/08 4-15-08
(if different from order date)

Jackson Kiser, Senior United States District Judge
Printed name and title